REMARKS

Claims 1-27 are all the claims pending in the application. It is respectfully submitted that pending claims 1-27 are in condition for allowance.

In the Amendment, Applicant has amended claims 1 and 10 as requested by the Examiner in paragraph 1 of the Office Action in order to obviate the objection of record.

Claims 1-3, 5-8, 10-13, 15-19, 21-23 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yavatkar. Claim 24 was rejected under 35 U.S.C. § 103 as being obvious from Yavatkar. Further, claims 4, 9, 14, and 20 were rejected under 35 U.S.C. § 103 as being obvious from Yavatkar in view of Cox. Applicant respectfully traverses these 102 and 103 rejections for the following reasons.

As set forth in the Office Action, the Examiner sets forth two basic reasons for continuing the rejections of record:

(1)   The Examiner states "Yavatkar discloses the claimed invention because Yavatkar assumes that the edge node to the network to be the "source of the attack", and therefore teaches blocking the "source of the attack".

(2)   The Examiner also states that because Yavatkar teaches changing routing table information (and since the table information contains address information), the attacking source address must be known by the network..

Applicant respectfully submits that the Examiner is misconstruing Yavatkar relative to the pending claims, and therefore Applicant submits the following arguments in support of patentability:

(1)   Applicant respectfully submits that the Examiner misunderstands the claimed invention. The invention is not directed to blocking the source or location of the attack, such as the node in Yavatkar. Rather, the invention is directed to blocking the offending origination client(s) responsible for the attack. For example, Claim 1 defines a method for responding to an overload condition. The claimed method automatically blocks, not a node, but rather the "origination client or clients" responsible for the overload condition from accessing the Internet through it or their respective connection points. With the method defined in claim 1 the origination client or clients that are responsible for the overload condition are blocked from accessing the Internet. In direct contrast, with the system taught by Yavatkar, all traffic from the identified node is blocked, even traffic that originates from a client that is not responsible for the overload condition, i.e., legitimate users. The remaining independent claims 5, 10, 12, and 15-18 each defines a method/apparatus that identifies the "address" corresponding to the attacking client and submits this address to the breached site from which the bandwidth congestion originated and therefore prevents the attacking address corresponding to the attacking client from accessing the Internet or other WAN. Thus, similar to claim 1, these remaining independent claims prevent the origination client(s) (i.e., the addresses corresponding to the origination clients), rather than all traffic including legitimate traffic from gaining access. Again, Yavatkar teaches a fundamentally different approach from the invention as defined in the pending claims, one in which the offending node is first identified and then all traffic from that node is blocked, including legitimate traffic.

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(2)   Although Yavatkar may teach changing routing information, and further, that Yavatkar may know the offending client's address, the pending independent claims 5, 10, 12 and 15-18 each recites automatically informing the origin site router of the attacking client's address. Yavatkar fails to teach or remotely suggest automatically informing the origin site's router of the attacking client's address, as recited in these independent claims. Thus, even assuming that Yavatkar fairly teaches what the Examiner contends, the Examiner still fails to make out a prima facie case of unpatentability because Yavatkar does not fairly suggest automatically informing the origin site's router of the attacking client's address.

As is apparent, the claimed invention defines significant differences relative to the teachings of Yavatkar. Further, the Cox reference was cited for its teaching of preventing an originating client from accessing the Internet as defined in claims 4, 9, 14 and 20. The teachings in Cox clearly do not remedy the deficiencies noted above relative to Yavatkar. Specifically, the combined teachings of Yavatkar and Cox still provide a system in which all traffic from an offending node is blocked, including legitimate traffic. Consequently, the claimed invention provides significant functional and operational differences relative to the combined teachings of the prior art.
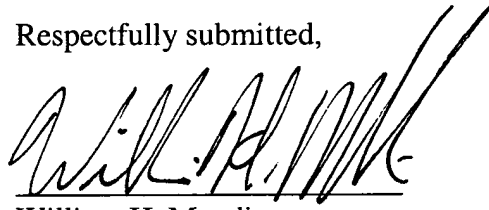
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

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Respectfully submitted,

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